



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/068,590

02/05/2002

Athanassios Diacakis

010762

8299

46670

7590

05/18/2006

TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

BAYAT, BRADLEY B

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/068,590	Applicant(s) DIACAKIS ET AL.	
	Examiner Bradley B. Bayat	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on February 24, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/24/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

This communication is in response to remarks and amendment filed on February 24, 2006.

- Claims 1-41 have been canceled.
- New claims 42-72 have been added.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on February 24, 2006 is in compliance with the provisions of 37 CFR 1.97 and therefore considered by the examiner.

Response to Arguments

Applicant's arguments with respect to the new added claims in view of the prior cited reference (Ozzie et al., 6,640,241 B1) have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 42-72 are rejected under 35 U.S.C. 102(e) as being anticipated by Milewski et al., AT&T Labs, Providing Presence Cues to Telephone Users, pp.89-96.

As per the following claims Milewski et al. disclose:

Claim 42. (new) A method of displaying contact information for a plurality of individuals to a subscriber of contact information, the method comprising (p. 89):

receiving one or more communication network addresses for a plurality of individuals (p.90, network-based address book);

generating a plurality of summary indicators for the plurality of individuals, wherein each summary indicator indicates different communication network types that each individual is capable of using (p.91, personal presence information, i.e., availability status, location or message),

wherein for each communication network type, the summary indicator indicates whether or not the individual is present and available to communicate on the communication network type (p91); and

displaying the plurality of summary indicators to the subscriber (fig 2, web browser screen), and

wherein the individual is present if the individual has access to a particular communication network type and the individual is available if the individual is willing to be contacted by the subscriber (pp.91-92).

Claim 43. (new) The method of claim 42 wherein the different network communication types include an instant messaging network, an SMS network, and a telephone network (p. 90).

Claim 44. (new) The method of claim 42 wherein the different network communication types include a wireless telephone network (fig 1).

Claim 45. (new) The method of claim 42 wherein each summary indicator has a first icon which indicates whether or not each individual is present and available to communicate by telephone and a second icon which indicates whether or not each individual is present and available to

Art Unit: 3621

communicate by instant messaging, wherein the first and second icons are displayed to the subscriber (p. 91).

Claim 46. (new) The method of claim 42 wherein each summary indicator of the plurality of summary indicators indicates the different device types that each individual is capable of using (figs 1 and 3).

Claim 47. (new) The method of claim 42 wherein the summary indicator for each individual indicates whether or not a group of people is present and available to communicate on the communication network type (p. 90, conferencing).

Claim 48. (new) The method of claim 47 wherein the group of people form a sales staff (p. 92).

Claim 49. (new) The method of claim 42 wherein the plurality of summary indicators is displayed on a wireless device (fig 3).

Claim 50. (new) The method of claim 42 wherein the plurality of summary indicators is displayed on a wireless phone (fig 3 and associated text).

Claims 51-72 directed to a computer program and device of the above method claims are rejected accordingly.

Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references

as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

The prior art made of record and not relied upon is considered **pertinent** to applicant's disclosure:

- Day et al., A Model for Presence and Instant Messaging, pp. 1-18.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday - Friday 8 a.m.-6:30 p.m. and by email: bradley.bayat@uspto.gov. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached regarding urgent matters at 571-272-6712.

Art Unit: 3621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

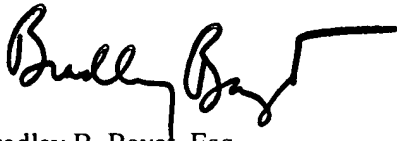
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(571) 273-8300 - Official communications; including After Final responses.

(571) 273-6704 - Informal/Draft communications to the examiner.

A handwritten signature in black ink, appearing to read "Bradley Bayat", with a stylized flourish at the end.

Bradley B. Bayat, Esq.
Department of Commerce - USPTO
KNOX - 5A48
Technology Center 3600
Art Unit 3621 - Patent Examiner
(571) 272-6704 Direct Dial
(571) 273-6704 Direct Fax
(571) 273-8300 Official Central Fax